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MINUTES OF COUNCIL REGULAR MEETING – MARCH 11, 2008

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MARCH 11, 2008, AT 4:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Steve Vincent

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman
Corey Rushton
Mike Winder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Russell Willardson, Public Works Director
Joseph Moore, CED Department
Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Buzz Nielsen, Police Chief
Tim Bywater, Acting City Attorney
Craig Thomas, Administration
Jake Arslanian, Public Works Department

13963 **OPENING CEREMONY**
The Opening Ceremony was conducted by Russ Brooks, and upon invitation, Eagle Scout Nate Mohler led the Pledge of Allegiance to the Flag.

13964 **SCOUTS**
Mayor Nordfelt welcomed Scout Troop Nos. 643, 3854 and 2049 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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13965 **APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

The Council read and considered the Minutes of the Regular Meeting held February 26, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Regular Meeting held February 26, 2008, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

13966 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Josh Scheuerman, 3919 South 4800 West, addressed the City Council. Mr. Sherman discussed West Valley City's lack of a skatepark for the youth. He read a letter which discussed the following: statistics regarding the number and ages of skaters the City would have based on population; skate shops and sports shops typically helped a city economically; closest skatepark to West Valley City was in Taylorsville; need for a place for kids to gather that did not attract traditional team sports; would involve youth in an athletic activity; skateboarding in a controlled environment would be safer than riding in the streets; skatepark could be used year round, weather permitting; sport growing and on the rise. Mr. Scheuerman stated he would like to work with the City to determine a good location, help raise funds, apply for grants and/or donations to fund the park, and other projects. Copies of Mr. Scheuerman's letter were distributed to members of the City Council.

13967 **RESOLUTION NO. 08-87, APPROVE EXHIBIT AGREEMENT WITH ATEM ALEU FOR DISPLAY OF AN ART EXHIBIT ENTITLED "PAINTING FACES OF WAR: BRAVE HEART OF THE LOST BOYS & GIRLS OF SUDAN"**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-87, which would approve an Exhibit Agreement with Atem Aleu for display of an art exhibit

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entitled “*Painting Faces of War: Brave Heart of the Lost Boys & Girls of Sudan.*”

Mr. Pyle stated the Utah Cultural Celebration Center (UCCC) gallery planned to host an exhibit of paintings and the exhibit would run from March 14 - April 30, 2008. He also stated the works had been created by Sudanese artists who had resettled in the United States, or currently living in refugee camps. He stated the collection expressed the difficult life experience of the artists and their hopes for a brighter future.

The City Manager reported the exhibition consisted of 28 paintings and there would be no exhibition fee. He indicated the total value of the exhibition was approximately \$10,600.00, which would be insured under coverage limits established by the current URMMA policy, with a \$1,000 deductible. He stated the exhibit would hang in the UCCC upstairs’ corridor as a secondary exhibit during the larger photo documentary exhibit by Meridian International entitled “*Sudan: The Land and the People.*” He reported a public reception would be held on Friday, March 14th from 6-9 P.M. and journalist Victoria Butler (wife of former U.S. Ambassador to Sudan, Timothy Carney) would attend the opening.

Mr. Pyle indicated Atem Aleu approached the UCCC staff about hosting an exhibition of works from the workshops of his non-profit organization, the African Refugee Artist Club. He stated since the works had been created by Sudanese artists, UCCC staff felt the refugee art exhibit would be an appropriate compliment to the larger photo exhibit. He explained that two full days of ARTrageous Tuesday educational programs were scheduled with over 400 students booked to participate. He indicated important partnerships related to this program series included the Utah Council for Citizen Diplomacy, Middle East Center at Brigham Young University, ZAP, and the Utah Arts Council Arts in Education program.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-87, a Resolution Authorizing Execution of an Exhibit Agreement between West Valley City and Atem Aleu for the Display of an Art Exhibit entitled “*Painting Faces of War: Brave Heart of the Lost Boys & Girls of Sudan.*” Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes

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Mayor Nordfelt Yes

Unanimous.

13968

RESOLUTION NO. 08-88, AUTHORIZE PURCHASE OF AMBULANCE FROM FRAZER BUILT, INC. FOR USE BY THE FIRE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-88 which would authorize the purchase of an ambulance from Frazer Built, Inc. in an amount not to exceed \$138,975.00 for use by the Fire Department.

Mr. Pyle stated the Fire Department would soon be faced with times when the ambulances would all be out on calls leaving need for an additional transport unit. He advised that as the service grew, staff would continue to evaluate needs of the transport portion of the emergency medical services.

The City Manager reported the subject ambulance would be the sixth ambulance for the emergency medical services. He stated that during the past year, there had been numerous peak times in which there was need to place the sixth ambulance into service. He indicated the proposed ambulance would also be the first bariatric ambulance for the fleet. He indicated this would give the ability to provide services not previously available. He also recommended the ambulance be purchased from Frazer Built, Inc. since they were the current manufacturer of existing equipment used by the Fire Department.

After discussion, Councilmember Burt moved to approve Resolution No. 08-88, a Resolution Authorizing West Valley City to Purchase an Ambulance from Frazer Built, Inc. for use by the Fire Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Brooks Yes
Ms. Burt Yes
Mayor Nordfelt Yes

Unanimous.

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RESOLUTION NO. 08-89, AUTHORIZE PURCHASE OF IDENTIX LIVE SCAN TOUCH SCREEN FINGERPRINT BOOKING STATION FROM IDENTIX INCORPORATED FOR USE BY THE POLICE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-89 which would authorize purchase of Identix Live Scan Touch Screen Fingerprint Booking Station from Identix Incorporated in an amount not to exceed \$40,961.00 for use by the Police Department.

Mr. Pyle stated the proposal would authorize the Police Department to use grant funds as well as money from the Administration and Police Department budgets to purchase the station, which would allow for full fingerprint and handprint scanning to the database, as well as the State BCI database.

The City Manager reported the Police Department currently used a live scan fingerprint booking station to obtain fingerprints of individuals obtaining work cards, personal background requests, or court ordered fingerprints. He explained the latter were sent to the Utah State Bureau of Criminal Identification (BCI) to be entered as convictions of certain crimes.

Mr. Pyle stated the BCI system and the current system were not digitally compatible, thus, any prints obtained at West Valley City Police Department must be manually compared and classified before the conviction could be entered at BCI. He indicated there was a significant backlog of those manual comparisons at BCI, often delaying the conviction being entered for many months. During that period, the Justice Court judges had noted some of the same individuals were brought before them again, but prior convictions had not been certified by the State, thus creating sentencing problems for the judges.

City Manager, Wayne Pyle, indicated that the previous year, Court Administrator Herb Katz worked with members of the Police Department to obtain a grant for \$24,000.00 to purchase an updated booking station that would digitally communicate with the State and thus almost immediately enter the fingerprints of a convicted person into the BCI database. He stated, as the Department explored the benefits of the new system, they learned that for an additional \$16,961.00 above the grant amount, the system could be used to obtain palm prints and handprints for comparison in major felony cases, a procedure currently unable to be performed with the current system. He stated working with the Justice Court, the funds from within existing approved budgets had been combined with the grant money to purchase the Identix TP-3800XCH-ED that would meet the needs of both the courts and the Police Department.

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After discussion, Councilmember Brooks moved to approve Resolution No. 08-89, a Resolution Authorizing the Purchase of an Identix Live Scan Touch Screen Fingerprint Booking Station from Identix Incorporated for use by the Police Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

13970

RESOLUTION NO. 08-90, AUTHORIZE EXECUTION OF A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR PRECONSTRUCTION AND CONSTRUCTION REIMBURSEMENT FOR PROJECT STP-2064(3)2 REGARDING THE 3600 WEST RECONSTRUCTION PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-90 which would authorize execution of a Cooperative Agreement with the Utah Department of Transportation (UDOT) for Preconstruction and Construction Reimbursement for Project STP-2064(3)2 regarding the 3600 West Reconstruction Project.

Mr. Pyle stated the subject agreement would require the City to pay its matching costs for construction on the 3600 West Reconstruction Project from 4100 South to 3500 South, financing primarily from Federal Aid Highway Funds.

The City Manager reported that through the Wasatch Front Regional Council, the 3600 West Reconstruction Project had been chosen to receive Federal funding. In order to receive the funding the project must adhere to UDOT's design and construction process. He advised West Valley City would be required to pay an up-front match of 6.77% of the total participating costs of the construction and any additional amounts that exceeded the total funding. He stated the up-front costs were based on the engineers estimate and could vary if final costs were greater or less than the initial estimate. Mr. Pyle reported the total local match required would be in the amount of \$379,056.92. He stated because project overruns had become a common occurrence due to inflated construction costs, UDOT now required an additional 10% contingency match of construction costs in the amount of \$335,000.00. He indicated this money would not be paid to UDOT at the present time, instead, a letter signed by the Mayor would guarantee

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the funds, if required. Mr. Pyle stated the City Council had been provided with copies of a draft of the subject letter.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-90, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City and the Utah Department of Transportation for Preconstruction and Construction Reimbursement for Project STP-2164(3)2 Regarding the 3600 West Reconstruction Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

13971

RESOLUTION NO. 08-91, APPROVE REIMBURSEMENT AGREEMENT WITH ZIONS SECURITIES CORPORATION FOR SIGNAL IMPROVEMENTS AT LAKE PARK BOULEVARD AND 5600 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-91 which would approve a Reimbursement Agreement with Zions Securities Corporation in the amount of \$113,823.01 for signal improvements at Lake Park Boulevard and 5600 West.

Mr. Pyle stated upon approval of the subject agreement, Zions Securities Corporation would modify an existing traffic signal at Lake Park Boulevard and 5600 West to allow for the connection of Lake Park Boulevard. He stated West Valley City would reimburse Zions Securities Corporation for half of the total actual cost of the signal modification including labor, equipment, materials and any indirect costs.

The City Manager reported the existing signal located at the intersection of Parkway Boulevard and 5600 West needed to be modified to accommodate construction of the Lake Park Boulevard Extension. He further reported the City would pay for one half of the costs to modify the signal to allow for the connection of Lake Boulevard Extension to 5600 West.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-91, a Resolution Authorizing the City to Enter Into a Reimbursement Agreement

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with Zions Securities Corporation for Signal Improvements at Lake Park Boulevard and 5600 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

13972

RESOLUTION NO. 08-92, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE ROMAN CATHOLIC BISHOP OF SALT LAKE CITY, A CORPORATION SOLE, FOR PROPERTY LOCATED AT 3580 WEST 3650 SOUTH, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-92 which would accept a Grant of Temporary Construction Easement from the Roman Catholic Bishop of Salt Lake City, a Corporation Sole, for property located at 3580 West 3650 South regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated the Roman Catholic Bishop of Salt Lake City, a Corporation Sole, had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also stated compensation for the easement would be in the amount of \$200.00 which easement would automatically expire December 31, 2008.

After discussion, Councilmember Burt moved to approve Resolution No. 08-92, a Resolution Authorizing the City to Accept a Grant of Temporary Construction Easement from the Roman Catholic Bishop of Salt Lake City, a Corporation Sole, for Property Located at 3580 West 3650 South. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

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Unanimous.

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RESOLUTION NO. 08-93, REVOKING RESOLUTION NO. 05-175 AND APPROVING AMENDMENT 3 TO AN AGREEMENT BETWEEN WEST VALLEY CITY AND IVORY LAND CORPORATION FOR PURCHASE AND DEVELOPMENT OF LAND AT APPROXIMATELY 5200 SOUTH 5600 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-93 which would revoke Resolution No. 05-175 and approve Amendment 3 to an Agreement between West Valley City and Ivory Land Corporation for purchase and development of land at approximately 5200 South 5600 West.

Mr. Pyle distributed copies of the revised Amendment 3 to the Westridge Agreement for the Purchase and Development of Land between the City and Ivory Land Corporation.

The City Manager reported the subject amendment would extend Ivory's purchase date of property located near West Ridge Golf Course from March 15, 2008, until March 15, 2009. He stated it would also add a provision imposing an interest rate factor to the purchase price to compensate the City for the delay. He explained the interest rate would be the rate that could have been earned by the City had the money been invested in the State Treasurer's Investment Pool during that time.

City Manager, Wayne Pyle, stated that in 2005 the City and Ivory entered into an Agreement for Ivory to purchase City land located near West Ridge Golf Course. He indicated the purchase was to take place in three phases, with the final purchase in 2008. He stated Ivory would like to delay that purchase until 2009. He indicated that in November 2007, the City adopted Resolution No. 07-233 in order to amend the agreement and delay the sale, however, there had been technical defects in the amendment document and the subject resolution and amendment would replace those previously approved.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-93, a Resolution Revoking Resolution No. 05-175 and Approving Amendment 3 to an Agreement Between West Valley City and Ivory Land Corporation for the Purchase and Development of Land at Approximately 5200 South 5600 West. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

13974

RESOLUTION NO. 08-94, APPROVE AGREEMENT WITH THE UTAH COALITION FOR ANIMALS DBA NO MORE HOMELESS PETS IN ORDER TO REDUCE THE NUISANCE CAUSED BY STRAY CATS

City Manager, Wayne Pyle, presented proposed Resolution No. 08-94 which would approve an Agreement with the Utah Coalition for Animals dba No More Homeless Pets, in order to reduce the nuisance caused by stray cats.

Mr. Pyle stated the proposed Resolution would renew the Trap Neuter and Return (TNR) program with No More Homeless Pets (NMHP) and provide \$20,000.00 for services provided to operate the program.

The City Manager reported the TNR program helped control the over population of stray cats that terrorized neighborhoods. He stated the stray cats continued to populate, increasing the population and problems within neighborhoods and requiring citizens and City personnel time and expense to trap, impound, house, feed, and then euthanize. He indicated the program neutered the cats and lowered the population, therefore decreasing the problems and/or nuisance, which then reduced the impounding of cats and thereby saving taxpayers money and space.

Mr. Pyle indicated NMHP and West Valley City had been partners in this program for two years. He stated this would be a renewal of the third year. The success of the program had lowered the intake of stray and feral cats to the City's shelter with minimal staff involvement other than referring citizens to the program with NMHP personnel performing the duties.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-94, a Resolution Authorizing an Agreement between West Valley City and the Utah Coalition for Animals dba No More Homeless Pets in Order to Reduce the Nuisance Caused by Stray Cats. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MARCH 11, 2008, WAS ADJOURNED AT 6:51 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Council Regular Meeting held Tuesday, March 11, 2008.

Sheri McKendrick, MMC
City Recorder

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